

REMARKS

In reply to the Final Office Action of March 19, 2009, Applicants have canceled claims 1, 8-11, 19, and 21, and amended claims 5, 12-14, 17, and 20. Applicants have also added new claims 22-25. Accordingly, claims 5-7, 12-14, 17, 20, and 22-25 are pending, with claims 20 and 22 in independent form and claims 5-7 being previously withdrawn.

Applicants thank the Examiner for indicating that previous claim 21 would be allowable if rewritten in independent form, and have elected to do so in this reply.

Applicants have amended previously withdrawn claim 5 to depend from claim 20 rather than from claim 1, which has been canceled in this reply.

Claims 8, 10, 11, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakatsu (U.S. Patent No. 6,081,540, "Nakatsu") in view of Shakuda (U.S. Patent No. 5,825,052, "Shakuda") and Anayama (U.S. Patent Application Publication No. US 2002/0027935, "Anayama"). Claims 8, 10, and 11 have been canceled in this reply. Regarding independent claim 20, Applicants do not concede that previous claim 20 is rendered obvious by any proposed combination of Nakatsu, Shakuda, and Anayama. However, to expedite prosecution, Applicants have amended claim 20 to include the limitations of previous dependent claim 21, which the Action indicated was allowable if rewritten in independent form (Action at page 5). Applicants therefore submit that amended claim 20 is in condition for allowance, and respectfully request reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. § 103(a).

Claims 1, 12-14, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakatsu in view of Shakuda. Applicants do not concede that previous independent claim 1 is rendered obvious by any proposed combination of Nakatsu and Shakuda. However, to expedite prosecution, Applicants have canceled claim 1. Applicants have also amended claims 12-14 and 17 to depend from independent claim 20. As explained above, amended claim 20 is patentable over Nakatsu, Shakuda, and Anayama. For at least the same reasons, claims 12-14 and 17 are also therefore patentable over Nakatsu, Shakuda, and Anayama.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 12-14 and 17 under 35 U.S.C. § 103(a).

New claims 22-25 have been added in this reply. Independent claim 22 covers radiation-emitting semiconductor components, and includes nearly all of the limitations of amended independent claim 20 except for the limitation that "said n-doped confinement layer further includes the second n-dopant or an additional n-dopant." Given the correspondence between amended claim 20 and new claim 22, Applicants believe that independent claim 22 presents no new issues requiring further searching by the Examiner. Instead, Applicants submit that, for reasons similar to those discussed above in connection with claim 20, claim 22 is patentable over Nakatsu, Shakuda, and Anayama, and is therefore in condition for allowance. Applicants respectfully request that claim 22 be allowed.

Claims 23-25 cover subject matter that is similar to the subject matter of claims 12-14. Accordingly, Applicants believe that claims 23-25 raise no new issues that require further searching by the Examiner. Further, claims 23-25 depend from new independent claim 22, and are therefore patentable over Nakatsu, Shakuda, and Anayama for at least the same reasons as claim 22. Applicants therefore respectfully request that claims 23-25 be allowed.

In view of the foregoing, Applicants ask that the application be allowed.

Canceled claims, if any, have been canceled without prejudice or disclaimer. Any circumstance in which Applicants have: (a) addressed certain comments of the Examiner does not mean that Applicants concede other comments of the Examiner; (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims; or (c) amended or canceled a claim does not mean that Applicants concede any of the Examiner's positions with respect to that claim or other claims.

No fees are believed to be due. Please apply any charges or credits to Deposit Account 06-1050, referencing Attorney Docket No. 12406-0141US1.

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Respectfully submitted,

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